

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE BERNABEL,

Plaintiff,

-v-

SLANT FIN CORP.,

Respondent.

ORIGINAL

USDC SDNY	DOCUMENT
ELECTRONICALLY FILED	
DOC #: _____	
DATE FILED: <u>Nov 2, 2005</u>	

No. 04 Civ. 6693 (LTS)(THK)

ORDER ADOPTING REPORT & RECOMMENDATION

LAURA TAYLOR SWAIN, United States District Judge

The Court has reviewed Magistrate Judge Katz's September 16, 2005, Report and Recommendation in this matter (the "Report") which recommends that this action be dismissed with prejudice. No objections to the Report have been received.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(C) (West 1993). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985) (citations omitted).

The Court has reviewed carefully Magistrate Judge Katz's Report and Recommendation and finds no clear error. The Court therefore adopts the Report for the reasons stated therein. Accordingly, the complaint is dismissed with prejudice.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this

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Chambers of Judge Swain

order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444 (1962).

SO ORDERED.

Dated: New York, New York
November 2, 2005



LAURA TAYLOR SWAIN
United States District Judge